

ARTICLE VII, Conflicts of Interest; Prohibitions; Board of Ethics

§ C-7.01 Conflicts of Interest; Board of Ethics.

A. Conflicts of Interest.

The use of public office for private gain is prohibited. The City Council shall implement this prohibition by ordinance, the terms of which shall include, but not be limited to:

- (1) Acting in an official capacity on a matter(s) in which the official has a private financial interest, clearly separate from that of the general public;
- (2) The acceptance of gifts and other things of value;
- (3) Acting in a private capacity on matters dealt with as a public official;
- (4) The use of confidential information; and
- (5) Appearances by City officials before other City agencies on behalf of private interests.

The ordinance shall include a statement of purpose and shall provide for reasonable public disclosure of finances by officials with major decision making authority over monetary expenditures and contracts and regulatory matters and, insofar as permissible under state law, shall provide for fines and imprisonment for violations.

B. Board of Ethics.

The City Council shall, by ordinance, establish an independent Board of Ethics to administer and enforce the conflict of interest and financial disclosure ordinance(s). No member of the Board may hold elective or appointed office under the City or any other government or hold any political party office. Insofar as possible under state law, the City Council shall authorize the Board to:

- (1) Issue advisory opinions;
- (2) Conduct investigations on its own initiative and on referral or complaint from officials or citizens;
- (3) Subpoena witnesses and documents;
- (4) Refer cases for prosecution;
- (5) Impose administrative fines; and
- (6) Hire independent counsel.

The City Council shall appropriate sufficient funds to the Board of Ethics to enable it to perform the duties assigned to it and to provide annual training and education of City officials and employees and candidates for public office regarding the Ethics Code.

§ C-7.02 Prohibitions.

A. Activities Prohibited.

- (1) No person shall be appointed to or removed from, or in any way favored or discriminated against, with respect to any City position or appointive City administrative office because of race, gender, age, sexual orientation, disability, religion, country of origin, or political affiliation.
- (2) No person shall willfully make any false statement, certificate, signature, mark, rating or report in regard to any test, certification or appointment under the provisions of this Charter or the rules and regulations made thereunder, or in any manner commit any fraud preventing the impartial execution of such provisions, rules and regulations.

- (3) No person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.
- (4) No person shall knowingly or willfully solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose, to be used in conjunction with any City election from an appointed City official or City employee.
- (5) No City employee shall knowingly or willfully participate in any aspect of any political campaign on behalf of or opposition to any candidate for City office on City time or facilities.

B. Penalties.

Any person convicted in a court of law of a violation of this section shall be ineligible, for a period of five (5) years following such conviction, to hold any City office or position, and if an officer or employee shall immediately forfeit his or her office or position, the City Council shall establish, by ordinance, such further penalties as it may deem appropriate.